

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

NICOLE P. ERAMO)	
)	
)	
Plaintiff)	
)	
v.)	Case No. 3:15-cv-00023-GEC
)	
ROLLING STONE LLC,)	
SABRINA RUBIN ERDERLY, and)	
WENNER MEDIA LLC,)	
)	
Defendants.)	

PLAINTIFF'S MOTION FOR ADDITIONAL TIME TO DEPOSE "JACKIE"

In accordance with the Court's February 18, 2016 Order [Dkt. 50] and pursuant to Federal Rules of Civil Procedure 26(b)(2)(A) and 30(d), Movant Nicole Eramo, Plaintiff in the case of *Eramo v. Rolling Stone LLC, et al.*, No. 3:15-cv-00023-GEC, hereby files this Motion for Additional Time to Depose "Jackie,"¹ a nonparty who was the principal source for *Rolling Stone's* widely publicized and defamatory article that is the subject of this action. In support of this Motion and pursuant to Local Rule 11(c)(1), Plaintiff relies on the arguments and authorities set forth in her March 15, 2016 Memorandum of Law in Support of her Motion for Additional Time to Depose "Jackie," which is being filed concurrently herewith.

In accordance with Federal Rule of Civil Procedure 37(a)(1), the undersigned counsel certifies that counsel for Movant Eramo conferred by letter, email, and by telephone with counsel for Respondent "Jackie" prior to the filing of this Motion, that counsel for the Movant made a

¹ As in previous briefing before the Court and out of deference to the requests of Jackie's counsel in the continuing spirit of cooperation and good faith, Plaintiff herein is referring to this nonparty only as "Jackie," the moniker *Rolling Stone* used for her in the article at issue.

good faith effort to resolve the discovery matters at issue, and that Movant and Respondent were unable to resolve the issue.

WHEREFORE, Movant Nicole Eramo respectfully requests that the Court grant her Motion for Additional Time to Depose “Jackie,” and enter an order permitting Plaintiff a total of 6.5 hours to question Jackie on the record, exclusive of breaks, extended objections, colloquy among counsel, and/or court conferences.

Dated: March 15, 2016

Respectfully submitted,

By: /s/ Elizabeth M. Locke
Thomas A. Clare (VA Bar No. 39299)
Elizabeth M. Locke (VA Bar No. 71784)
Andrew C. Phillips (VA Bar No. 88880)
CLARE LOCKE LLP
902 Prince Street
Alexandria, Virginia 22314
Telephone: (202) 628-7400
tom@clarelocke.com
libby@clarelocke.com
andy@clarelocke.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Motion for Additional Time to Depose "Jackie" in the above-captioned matter was served on the below counsel of record on March 15, 2016, via the Court's electronic filing system (for those attorneys that have registered), and via email and Federal Express (for Jackie's counsel).

Pat A. Cipollone
Rebecca R. Anzidei
Philip J. O'Beirne
Stein Mitchell Cipollone Beato & Missner LLP
1100 Connecticut Avenue N.W., Suite 1100
Washington, D.C. 20036
Telephone: (202) 737-7777
Fax: (202) 296-8312
Email: pcipollone@steinmitchell.com
pobeirne@steinmitchell.com
Email: ranzidei@steinmitchell.com

Palma Pustilnik
Staff Attorney
Central Virginia Legal Aid Society
1000 Preston Avenue, Suite B
Charlottesville, VA 22903
Telephone: (434) 327-1443
Fax: (434) 296-5731
Email: palma@cvlas.org

Attorneys for Nonparty Respondent "Jackie"

Michael John Finney
William David Paxton
Gentry Locke Rakes & Moore
P.O. Box 40013
Roanoke, VA 24022-0013
Telephone: (540) 983-9373
Telephone: (540) 983-9334
Fax: (540) 983-9400
Email: finney@gentrylocke.com
Email: paxton@gentrylocke.com

Elizabeth A. McNamara
Samuel M. Bayard

Davis Wright Tremaine LLP
1251 Avenue of the Americas
21st Floor
New York, New York 10020
Telephone: (212) 489-8230
Fax: (212) 489-8340
Email: lizmcnamara@dwt.com
Email: samuelbayard@dwt.com

Alison B. Schary
DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Avenue NW, Suite 800
Washington, DC 20006-3401
Telephone: (202) 973-4248 Fax: (202) 973-4448
E-mail: alisonschary@dwt.com

*Attorneys for Defendants Rolling Stone LLC,
Sabrina Rubin Erdely, and Wenner Media LLC*

Dated: March 15, 2016

By: /s/ Elizabeth M. Locke
Elizabeth M. Locke